

# **JOURNAL OF THE SENATE**

## **EIGHTY-EIGHTH SESSION**

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TWENTY-EIGHTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, February 22, 2013

The Senate convened at 12:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Brad Urbach, followed by the Pledge of Allegiance led by Senate pages Kelcey Robbennolt and Jenna Vogel.

Roll Call: All members present except Sen. Krebs who was excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under  
3 consideration HB 1208 and returns the same with the recommendation that said bill be amended  
4 as follows:

5 1208jc

6 On page 1, line 8, of the House engrossed bill, after "organisms" insert "but shall exclude  
7 household waste including medical waste generated at a private residence".

8 On page 1, line 11, after "person" insert ", as defined in subdivision 21-1-2(31), but  
9 excluding any natural person".

10 1208jta

11 On page 1, line 1, of the House engrossed bill, delete "unlawful".

12 And that as so amended said bill do pass and be placed on the consent calendar.

13 Respectfully submitted,  
14 Jean M. Hunhoff, Chair

15 **MESSAGES FROM THE HOUSE**

16 MR. PRESIDENT:

17 I have the honor to return herewith SB 12, 13, 18, 19, 23, 27, 32, 41, 45, 52, 67, 72, 78, and  
18 85 which have passed the House without change.

19 Respectfully,  
20 Arlene Kvislen, Chief Clerk

21 **CONSIDERATION OF REPORTS OF COMMITTEES**

22 Sen. Olson moved that the reports of the Standing Committees on

23 Agriculture and Natural Resources on HB 1048 as found on page 518 of the Senate  
24 Journal; also

Agriculture and Natural Resources on HB 1058 as found on page 519 of the Senate Journal be adopted.

Which motion prevailed.

## SECOND READING OF CONSENT CALENDAR ITEMS

HB 1029: FOR AN ACT ENTITLED, An Act to exempt persons hunting mountain lions from the requirement to wear fluorescent orange exterior garments.

Was read the second time.

The question being "Shall HB 1029 pass?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

Excused:

Krebs; Tieszen

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

## SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Sen. Olson moved that the balance of the calendar including HB 1019, 1020, 1163, 1079, 1101, 1118, 1030, 1180, 1239, 1164, and 1028 be deferred to Monday, February 25, the 29<sup>th</sup> legislative day.

Which motion prevailed.

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SB 78: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to medical requirements for intrastate drivers transporting passengers and to update certain references to federal statutes.

SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the production incentive payment available to ethanol producers.

HB 1006: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the termination of certain mineral interests.

HB 1052: FOR AN ACT ENTITLED, An Act to revise certain requirements for third party administrators and pharmacy benefits managers.

HB 1157: FOR AN ACT ENTITLED, An Act to increase certain penalties regarding the sale of petroleum products.

And signed the same in the presence of the Senate.

### COMMEMORATIONS

SC 15 Introduced by: Senators Welke, Bradford, Frerichs, Holien, Jones, Kirkeby, Lucas, Novstrup (Al), and Sutton and Representatives Greenfield, Cammack, Campbell, Ecklund, Erickson, Feickert, Hawley, Heinemann (Leslie), Johns, Kaiser, Kopp, Magstadt, May, Olson (Betty), Rozum, Schoenfish, Schrempp, Solum, Stevens, Tulson, and Verchio

A LEGISLATIVE COMMEMORATION, Honoring the Kopriva family of Clark County as the 2012 Leopold Conservation Award recipient.

WHEREAS, the Leopold Conservation Award, named for renowned conservationist Aldo Leopold, recognizes farm and ranch families who demonstrate outstanding conservation leadership on their land and in their communities; and

WHEREAS, Jim and Karen Kopriva of Clark County make conservation a family tradition with their children Lee and Angela; and

WHEREAS, the Korpiva's grassland, water, and wildlife habitat management techniques are a clear demonstration that responsible environmental management and successful agricultural operations can readily coexist; and

WHEREAS, a commitment to the health of South Dakota's natural resources is exemplified by the Kopriva family as the recipient of the 2012 Leopold Conservation Award:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the State of South Dakota, that Jim, Karen, Lee, and Angela Kopriva are recognized for earning the 2012 Leopold Conservation Award in South Dakota.

1 SC 16 Introduced by: Senators Begalka, Adelstein, Bradford, Brown, Buhl, Ewing,  
2 Frerichs, Heineman (Phyllis), Holien, Hunhoff (Jean), Johnston, Jones, Kirkeby, Lederman,  
3 Lucas, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Rampelberg,  
4 Rave, Rhoden, Soholt, Sutton, Tidemann, Tieszen, Van Gerpen, Vehle, Welke, and White and  
5 Representatives Peterson, Bartling, Bolin, Campbell, Carson, Ecklund, Erickson, Feickert,  
6 Feinstein, Gibson, Greenfield, Hansen, Hawks, Hawley, Hickey, Hunhoff (Bernie), Johns,  
7 Kaiser, Killer, Kirschman, Kopp, Lust, May, Miller, Nelson, Novstrup (David), Olson (Betty),  
8 Otten (Herman), Parsley, Qualm, Ring, Romkema, Rounds, Schaefer, Schoenfish, Sly, Soli,  
9 Solum, Stalzer, Steele, Tulson, Tyler, Verchio, Werner, and Wismer

10 A LEGISLATIVE COMMEMORATION, Commending and honoring Gale Lundberg on his  
11 retirement from teaching and coaching for fifty years in South Dakota schools.

12 WHEREAS, the 2012-2013 school year will be Gale Lundberg's fiftieth year as an educator  
13 for Waverly High School, Clear Lake High School, and Deuel High School; and

14 WHEREAS, Gale Lundberg served as head boys basketball coach for sixteen years, head  
15 girls basketball coach for twenty-three years, and head golf coach for six years; and

16 WHEREAS, Gale Lundberg has coached girls basketball teams to six district  
17 championships, five region championships, one state title, and two state second-place finishes;  
18 and

19 WHEREAS, Mr. Lundberg was elected South Dakota Coach of the Year in girls basketball  
20 for 1977 and 1980. He received the South Dakota High School Coaches Association  
21 Distinguished Service Award in Coaching and was inducted into the SDHSCA Hall of Fame  
22 in 1999:

23 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the  
24 State of South Dakota, that the Legislature commends Gale Lundberg for his dedication to  
25 educating and coaching in South Dakota.

26 Sen. Soholt moved that the Senate do now adjourn, which motion prevailed and at  
27 12:55 p.m. the Senate adjourned.

28 Jeannette Schipper, Secretary